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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,654	02/05/2001	Stephane Herman Maes	YOR919990542US1	2530
7590 11/22/2004 Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560			EXAMINER SAX, STEVEN PAUL	
			ART UNIT 2174	PAPER NUMBER
DATE MAILED: 11/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/776,654

**Applicant(s)**

MAES ET AL.

**Examiner**

Steven P Sax

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This application has been examined. The amendment filed 9/17/04 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et al (6731307) and Geddes (6751661).

4. Regarding claim 1, Strubbe et al show the multi modal conversational computer system (Figures 1,3, column 7 lines 12-20), with a user interface subsystem configured to input multi modal data from an environment (Figures 1, 3, column 7 lines 20-40), the data including data associated with first and second modality input sensor (column 10 lines 35-55), and the environment including devices controllable by the system (column 10 lines 5-33); a processor coupled to the system and configured to receive a portion of the input data and make a determination of a focus (column 10 lines 57-67) and mood (column 12 lines 10-25) of a user, and executes actions in the environment accordingly (column 9 lines 40-60). A memory stores the results for subsequent determination

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(column 10 lines 55-60, column 17 lines 55-67). Strubbe et al do not go into the details of determining the user intent per se, but do determine various user cues and mood to determine an object or topic to which a user is referring (column 17 lines 1-14).

Furthermore, Geddes determines intent with user cues to determine an object or topic to which a user is referring (column 7 lines 35-65). It would have been obvious to a person with ordinary skill in the art to determine the user's intent in the system of Strubbe et al, because it would provide a convenient way using user cues to determine an object or topic to which a user is referring.

5. Regarding claim 2, the intent determination in Geddes includes resolving referential ambiguity associated with one or more users in the environment based on a portion of the received data (Geddes column 8 lines 17-30). The obviousness to combine into Strubbe et al follows as in paragraph 4 of this Office Action.

6. Regarding claim 3, the intent determination in Geddes includes resolving referential ambiguity associated with one or more devices in the environment based on a portion of the received data (Geddes column 7 lines 20-27). The obviousness to combine into Strubbe et al follows as in paragraph 4 of this Office Action.

7. Regarding claim 4, in addition to that mentioned for claim 1, Strubbe et al also show the execution of the actions includes controlling devices to effectuate at least one of the mood, focus, or intent (column 10 lines 30-55).

8. Regarding claim 5, in addition to that mentioned for claim 1, Strubbe et al also show the execution of the actions includes controlling devices to request further user input to assist in making the determinations (column 11 lines 30-50).

9. Regarding claim 6, in addition to that mentioned for claim 1, Strubbe et al also show the execution of the actions includes initiating a process to at least one of complete, correct, and disambiguate what the system understands from previous input (column 10 lines 10-40).

10. Regarding claim 7, in addition to that mentioned for claim 1, Strubbe et al also show the processor abstracting the received input data into one or more events prior to making the determination (column 19 lines 10-30).

11. Regarding claim 8, in addition to that mentioned for claim 1, Strubbe et al also show the processor performing recognition operations on the received input data (column 19 lines 10-23).

12. Regarding claim 9, in addition to that mentioned for claim 1, Strubbe et al show the dialog manager which determines an object or topic to which a user is referring (column 17 lines 1-14). Furthermore, Geddes uses a dialog manager to determine intent to determine an object or topic to which a user is referring (column 7 lines 35-65).

It would have been obvious to a person with ordinary skill in the art to determine the user's intent in the system of Strubbe et al, because it would provide a convenient way to determine an object or topic to which a user is referring.

13. Claims 10-17 show the same features as claims 1-8 respectively and are rejected for the same reasons.

14. Claim 18 shows the same features as claim 1 and is rejected for the same reasons.

15. Regarding claim 19, in addition to that mentioned for claim 1, the multi-modal data includes audio and image based (Strubbe et al Figure 3).

16. Regarding claim 20, the intent determination in Geddes includes resolving referential ambiguity associated with one or more users in the environment based on a portion of the received data (Geddes column 8 lines 17-30). The obviousness to combine into Strubbe et al follows as in paragraph 4 of this Office Action.

17. Regarding claim 21, the intent determination in Geddes includes resolving referential ambiguity associated with one or more devices in the environment based on a portion of the received data (Geddes column 7 lines 20-27). The obviousness to combine into Strubbe et al follows as in paragraph 4 of this Office Action.

18. Regarding claim 22, the system has an image capturing device (Strubbe et al Figure 3, the video camera).

19. Regarding claim 23, the image data is visible (Strubbe et al Figure 3, inherent in the video camera).

20. Regarding claim 24, the image data may be video (Strubbe et al Figure 3, the video camera).

21. Regarding claim 25, the system has audio capturing input devices (Strubbe et al Figure 3, the element 245).

22. Regarding claim 26, the audio capturing device has a microphone (Strubbe et al column 21 lines 1-10).

23. Regarding claim 27, the system has graphical user interface input devices (Strubbe et al column 20 lines 65-67, Figure 3).

24. Regarding claim 29, in addition to that mentioned for claim 19, Strubbe et al also show the execution of the actions includes controlling devices to effectuate at least one of the mood, focus, or intent (column 10 lines 30-55).

25. Regarding claim 30, in addition to that mentioned for claim 19, Strubbe et al also show the execution of the actions includes controlling devices to request further user input to assist in making the determinations (column 11 lines 30-50).

26. Regarding claim 31, in addition to that mentioned for claim 19, Strubbe et al also show the processor abstracting the received input data into one or more events prior to making the determination (column 19 lines 10-30).

27. Regarding claim 32, in addition to that mentioned for claim 19, Strubbe et al also show the processor performing recognition operations on the received input data (column 19 lines 10-23).

28. Regarding claim 33, Strubbe et al show speech recognition (column 8 lines 62-67).

29. Regarding claim 34, Strubbe et al show speaker recognition (column 8 lines 55-61).

30. Regarding claim 36, in addition to that mentioned for claim 19, Strubbe et al also show the execution of the actions includes initiating a process to at least one of



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complete, correct, and disambiguate what the system understands from previous input (column 10 lines 10-40).

31. Regarding claim 37, in addition to that mentioned for claim 19, Strubbe et al show the dialog manager which determines an object or topic to which a user is referring (column 17 lines 1-14). Furthermore, Geddes uses a dialog manager to determine intent to determine an object or topic to which a user is referring (column 7 lines 35-65). It would have been obvious to a person with ordinary skill in the art to determine the user's intent in the system of Strubbe et al, because it would provide a convenient way to determine an object or topic to which a user is referring.

32. Claim 38 shows the same features as claim 19 and is rejected for the same reasons.

33. Claims 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et al (6731307) and Geddes (6751661) and Adler (6675356).

34. Regarding claim 28, in addition to that mentioned for claim 19, Strubbe et al and Geddes mention a variety of input devices for graphical user interface systems for convenient inputting of data, but do not mention the stylus input device. Furthermore, Adler et al show a stylus input device for capturing handwritten data, used in graphical user interface systems, for convenient inputting of data (column 7 lines 25-30). It would

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have been obvious to a person with ordinary skill in the art to have the stylus input device in the invention suggested by Strubbe et al and Geddes, because it would allow convenient inputting of data in a graphical user interface.

35. Regarding claim 35, in addition to that mentioned for claim 32, Strubbe et al and Geddes mention a variety of input devices for graphical user interface systems for convenient inputting of data, but do not mention the stylus input device. Furthermore, Adler et al show a stylus input device for capturing handwritten data, used in graphical user interface systems, for convenient inputting of data (column 7 lines 25-30). It would have been obvious to a person with ordinary skill in the art to have the stylus input device in the invention suggested by Strubbe et al and Geddes, because it would allow convenient inputting of data in a graphical user interface.

36. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. However, note that in view of the new art, the finality has been withdrawn.

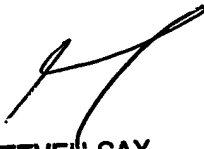
37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 571-272-4072. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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STEVEN SAX  
PRIMARY EXAMINER